



# FAIRFAX COUNTY

Department of Public Works and Environmental Services  
Office of Site Development Services  
12055 Government Center Parkway  
Fairfax, Virginia 22035-5503

V I R G I N I A

May 9, 2002

02-05

**TO:** All Architects, Builders, Developers, Engineers, Surveyors and Attorneys Practicing in Fairfax County

**SUBJECT:** Guidelines for Requesting Waivers of Certain Site and Subdivision Requirements with a Rezoning or Special Exception Application

The purpose of this letter is to provide guidelines for requesting waivers of certain site plan and subdivision ordinance requirements with a rezoning or special exception application.

Pursuant to Section 17-201 of the Zoning Ordinance and Section 101-2-2 of the *Code of the County of Fairfax, Virginia*, the Director of the Department of Public Works and Environmental Services (DPWES) and the County Executive, respectively, are given the authority to grant waivers of certain site plan and subdivision ordinance requirements. In a memorandum dated July 1, 1998, the County Executive delegated the authority for granting waivers of subdivision requirements to the Director of DPWES or the Director's designee.

With the approval of a rezoning or special exception application, the Board of Supervisors (the Board) may choose to approve certain types of site and subdivision waivers. When this occurs, a waiver application is not required with the site or subdivision plan. Absent specific action by the Board, the applicant is required to submit a separate waiver request to the Director during the site or subdivision process. Applicants often think mistakenly that if a subdivision or site plan requirement is not shown on the associated development plan, that the development is automatically relieved of the requirement. This confusion may lead to delays in the process if the need for waiver submissions is not identified until the site or subdivision plan is under review by staff of DPWES. Following the guidelines outlined below should help to avoid such delays.

**Guidelines for waiver requests with a rezoning or special exception application:**

- The types of waivers that may be identified for possible action by the Board of Supervisors during the rezoning and special exception process include the following:
  - Transitional screening and barriers, and internal and peripheral parking lot landscaping
  - Loading space
  - Service drive
  - Right-of-way dedication and road construction in accordance with the Comprehensive Plan
  - Trail and sidewalk
  - Private street length

- Waivers of site and subdivision requirements not identified above are generally considered to be inappropriate for consideration during a zoning application due to the amount of engineering detail required to make a determination. Similarly, modifications of requirements of the Public Facilities Manual (PFM) are generally not appropriate during consideration of a zoning application.
- Waiver requests must be identified by the applicant in the submission of a rezoning or special exception application. The type of waiver, code reference, and justification are to be included in the applicant's statement of justification for the application. This information is also to be included on the associated development plan or special exception plat.
- County staff will address the waivers requested by the applicant during the review of the zoning application. If staff recommends approval of a waiver request, the approval recommendation will be included in the portion of the staff report that contains staff's recommendation for approval of the zoning case. Staff may determine that a waiver should not be approved, or that it is more appropriate for consideration of the waiver to occur during review of the site or subdivision plan. In these cases, the determination on the waiver requests will be included in the body of the staff report. If staff recommends denial of the zoning case, the waiver requests will be addressed in the body of the staff report.

In summary, certain waiver requests can be considered with the processing of rezoning and special exception applications; however, such consideration may not be appropriate for every application. In addition, certain site, subdivision and PFM requirements are inappropriate for consideration during the zoning process, due to the amount of engineering detail required to justify and review the waiver request. Applicants are asked to consider these limitations in deciding whether to propose waiver requests at this stage of the development process. When a waiver request is proposed, compliance with the guidelines included in this letter will facilitate its review and clarify the requirements for submission of waiver requests during the site and subdivision plan process.

If you have any questions or comments concerning this letter, please contact me at (703) 324-1780.

Sincerely,

***SIGNATURE ON ORIGINAL***

Michelle Brickner, Director  
Office of Site Development Services

cc: James Zook, Director, Department of Planning and Zoning  
Jane Gwinn, Director, Zoning Administration Division, Department of Planning and Zoning  
Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning  
Angela Rodeheaver, Chief, Land Development Section, Department of Transportation  
John Wesley White, Director, Department of Public Works and Environmental Services  
Sophie A. Zager, Director, Office of Building Code Services, DPWES